

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16796 of 2022

=====

Sangita Kumari D/O Parama Nand Prasad, Resident of Village and Post-Bakhar Chandiha P.S. Purnahiya District – Sheohar.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Sheohar.
2. The District Magistrate Sheohar.
3. The Regional Deputy Director, Education, Muzaffarpur.
4. The District Education Officer, Sheohar.
5. The District Programme Officer (Establishment), Sheohar.
6. The Block Development Officer, Purnahiya, Sheohar.
7. The Block Education Extension Officer, Purnahiya, Sheohar.
8. The Panchayat Sachiv-cum-Sachiv, Appointment Unit, Gram Panchayat Raj - Bakhar Chandiha, Purnahiya, District- Sheohar.
9. The Panchayat Sachiv, Gram Panchayat Raj - Bakhar Chandiha Block - Purnahiya, District - Sheohar.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Devendra Kumar, Adv.
For the Respondent/s : Mr. Kameshwar Kumar (GP- 17)

=====

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

2 14-12-2022

1. Heard the parties.

2. In the present case, the petitioner has failed to pass the training from NIOS. In such instances, this Court has put them in **category 'B'** of the judgment decided on 19.10.2022, in **C.W.J.C. No.16214 of 2019 (Md. Ataur Rahman & Ors. Vs. Union of India & Ors. and analogous cases)** and held as under:-



“18. Keeping in view above, the present bunch of petitioners, who have not acquired their training as on 31.03.2019 are held to be ineligible to hold the post of teacher after 31.03.2019 in the Primary Schools.

19. Amongst the present bunch of teachers, those who have already undergone the training and their result has been withheld for one reason or the other, shall now become eligible only if they have passed the training course. In view of candid statement made by the learned counsel for the N.I.O.S. pointing out that the requirement of obtaining 50% at the Intermediate level has been done away with, it is expected from the N.I.O.S. to declare the results of the teachers within a period of 15 days henceforth and if the teachers have already passed the training course, they shall be given the same benefit as given to the teachers of category ‘A’ namely that they shall be treated as freshly appointed teachers from the date they have acquired the training and from the date result is declared and have passed the examination and will be allowed to continue. Their earlier period of service shall not be counted for any purpose at the same time no recovery shall be made from the salary which they have drawn.



20. As regard the teachers, who have failed in the examination, the view taken as above, shall apply to them and, their services are liable to be terminated. However, it is for the State government to take a view whether those who passed the supplementary examination should be allowed to continue as freshly appointed teachers or not or otherwise they shall be allowed to participate in the fresh selections which may be conducted by the State Government. Such teachers who would be allowed to participate, in fresh selections will be given benefit of age relaxation considering that they were working on the post with a promise that they will be allowed to complete their training rendered out by the State Government.”

3. The aforesaid judgment and orders passed hereinabove shall apply mutatis mutandis to the case of the petitioner too.

4. The writ petition is disposed of accordingly.

amit/-
Item no.23

U			
---	--	--	--

(Sanjeev Prakash Sharma, J)

